

Message Text

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ACTION SS-25

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FM AMEMBASSY SAN JOSE

TOSIECSTATE WASHDC 4629

C O N F I D E N T I A L SAN JOSE 2629

EXDIS

E.O. 11652: GDS

TAGS: PGOV, PFOR, CS

SUBJECT: EXTRADITION: ROBERT VESCO

REF: SAN JOSE 2534

1. I PRESENTED FINAL, SUPPLEMENTARY BRIEF TO SEGUNDA SALA TODAY, JULY 20. COPIES WILL BE POUCHED MONDAY TO L/M/SCA AND ARA-LA/CEN.

2. THIS LATEST BRIEF, DRAFTED JOINTLY BY ODIO AND CASTILLO, RESPONDS TO ARGUMENTS ADVANCED BY VESCO'S ATTOR- NIES (REFTEL) AND RESTATES PRINCIPAL THEMES OF USGOVT CASE. INTER ALIA;

A) OUR BRIEF DISPUTES ALLEGATIONS OF PROCEDURAL DEFICIEN- CIES IN CASE, AND ARGUES THAT RATHER IT WAS THE FIRST PENAL JUDGE WHO COMMITTED ERRORS FIRST IN REFUSING TO ISSUE 43- VENTATIVE ARREST WARRANT AND LATER IN DISMISSING CASE PRIOR TO PRESENTATION OF ALL OUR EVIDENCE. IN SUPPORT OF THIS THESIS, BRIEF MAKES EXTENSIVE REFERENCE TO ARTICLES XI AND XII OF EXTRADITION TREATY, AND THE COSTA RICAN EXTRADITION LAW.

B) BRIEF AGAIN ARGUES THAT FRAUD RATHER THAN MERE IMPROPER USE OF WIRES IS THE ESSENCE OF OUR CASE AGAINST VESCO, AND THAT THE ACTS IMPUTED TO VESCO ARE PUNISHABLE IN COSTA RICA.

C) BRIEF ARGUES THAT EXTRADITION LAW AND TREATY ARE NOT MUTALLY EXCLUSIVE IN THE SENSE THAT U.S. CITI- CONFIDENTIAL

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ZENS ACCUSED OF CRIMES IN THE U.S. ARE NOT PROTECTED AGAINST EXTRADITION UNDER THE LAW SIMPLY BECAUSE A TREATY EXISTS.

D) IN RESPONSE TO ARGUMENT BY VESCO LAWYERS THAT

THE PENALTY APPLICABLE TO CHARGES AGAINST HIM WAS NOT
KNOWN, BRIEF MENTIONS PENALTIES SHOWN IN 18 USC 1342
AND 1343.

3. SEGUNDA SALA NOW HAS 8 WORK DAYS (STARTING MONDAY)
TO DECIDE CASE.
LANE

CONFIDENTIAL

<< END OF DOCUMENT >>

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